

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

vs.

CASE NO. 4:99CR87GH
4:04CV2252GH

CHRISTOPHER SEAN DEATON

DEFENDANT

ORDER

On August 10, 2005, the Court entered judgment denying petitioner's motion pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct sentence. On October 11, 2005, petitioner filed a notice of appeal.

To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir.1997). The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. Slack v. McDaniel, 529 U.S. 473, 484 (2000). See also Miller-El v. Cockrell, 537 U.S. 322, 336 (2003). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Id. See also Cox v. Norris, 133 F.3d 565, 569-70 (8th Cir.1997) . The Court finds that petitioner has not made a substantial showing of denial of a federal constitutional right.

Accordingly, the request for a certificate of appealability is denied.

IT IS SO ORDERED this 13th day of October, 2005.

George Howard, Jr.
UNITED STATES DISTRICT JUDGE